REMARKS

Applicants acknowledge that the Examiner considered the Appeal Brief, re-opened prosecution, and entered a brand new ground of rejection. Applicants respectfully request reconsideration followed by allowance.

Amended claim 1 finds basis in the specification at page 5, lines 10-14.

Applicants respectfully traverse the new grounds of rejection under 35 U.S.C. §103(a) as to claims 1-2 and 4-6 over Yagi (U.S Patent No. 4,894,281), Nakajima (U.S. Patent No. 6,207,600 B1), and Wakatsuki (U.S. Patent No. 5,039,748).

Applicants respectfully rely on their Appeal Brief and argument presented in the immediately prior Amendment.

Applicants do respectfully submit that neither the Nakijima nor Wakatsuki reference discloses or would have suggested incorporation of polypropylene resin fibers in a matrix resin.

Applicants also respectfully submit that none of the Yagi, Nakajima or Wakatsuki references discloses or would have suggested crystal growth from the surface of a fiber or that the matrix resin constain crystal growth from the surfaces of the fibers.

Accordingly, even if the rationale urged in the Office Action were accepted (a point which is not conceded), the present claimed inventions would not have been suggested to a person of ordinary skill in the art.

Applicants respectfully traverse the second new grounds of rejection under 35 U.S.C. §103(a) of claims 1-2 and 4-6 over Harpell (U.S. Patent No. 4,501,856), in view of Wakatsuki (U.S. Patent No. 5,039,748).

The applied references taken singly or combined (a combination which is not conceded) do not disclose and would not have suggested the matrix resin that contains crystal growth from the surfaces of the fibers.

Please reconsider and withdraw this rejection.

Lastly, Applicants respectfully request reconsideration and withdrawl of what appears to be continued rote reliance on *In re Aller*. It is respectfully suggested that the rationale urged, including the naked assertion that the "discovery" of workable ranges is "not inventive", without more, is misplaced. The patent statutes refer to discovery and therefor a discovery can be patentable subject matter. Furthermore, rote assertion of "routine experimentation", without citaiton of factual support, is thought to be misplaced. It is also statutorily proscribed under 35 U.S.C. §103. *In re Fay*, 345 F.2d 594 (CCPA 1965). Applicants respectfully direct the Examiner's attention to the In re Antonie, 195 USPQ (BNA) 6, 8 (CCPA 1977) decision where the court said:

> The PTO and the minority appear to argue that it would always be *obvious* for one of ordinary skill in the art *to try* varying *every* parameter of a system in order to optimize the effectiveness of the system even if there is no evidence in the record that the prior art recognized that particular parameter affected the result. As we have said many times, *obvious to try* is not the standard of 35 USC 103. In re Tomlinson, 53 CCPA 1421, 363 F.2d 928, 150 USPQ 623 (1966). Disregard for the unobviousness of the results of "obvious to try" experiments disregards the "invention as a whole" concept of §103, In re Dien, 54 CCPA 1027, 371 F.2d 886, 152 USPQ 550 (1967) and In re Wiggins, 55 CCPA 1356, 397 F.2d 356, 158 USPQ 199 (1968), and overemphasis on the routine nature of the data gathering required to arrive at appellant's discovery, after its existence became expected, overlooks the last sentence of §103. In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974).

Applicants respectfully request the Examiner to reconsider and withdraw the reliance on the Aller decision. Otherwise, Applicants respectfully request the Examiner to supply an affidavit or declaration. Absent a factual basis, it is suggested that the rationale and rejection ought to be withdrawn in view of *In re Lee*, 277 F.3d 1338, 1344 (Fed. Cir. 2002).

Applicants respectfully submit they have endeavored to respond to all matters and have placed their application in allowable form. If by chance a matter was overlooked and the Amendment is found wanting in any aspect, please do telephone Applicants' Representative so that all matters are resolved, as they should be to the Examiner's satisfaction.

A Notice of Allowance is respectfully requested.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: Kendrew H. Colton

Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W.
Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
Facsimile No. (202) 419-7007